

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ROBERT R. FORD,

Plaintiff,

v.

Sergeant COSBY, *et al.*,¹

Defendants.

CIVIL ACTION NO.
5:18-cv-00075-TES-TQL

ORDER ADOPTING UNITED STATES MAGISTRATE JUDGE'S
RECOMMENDATION

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 24] to grant Defendant Lavern Cosby's Motion to Dismiss [Doc. 19]. Plaintiff has not filed an objection or sought an extension of time to file an objection within the fourteen-day period outlined in the magistrate judge's Recommendation. [Doc. 24 at p. 6]. Thus, the Court reviews the Recommendation for clear error. 28 U.S.C. § 636(b)(1). Having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge that Plaintiff failed to file a timely grievance within

¹ Upon the Court's adoption of the United States Magistrate Judge's first Recommendation [Doc. 9], Defendants Sergeant Brown, Warden Frederick Head, Officer Curmit Colvin Williams, CEO George Zoley, and DOC Brawner were dismissed without prejudice on June 1, 2018. *See* [Doc. 13 in connection with Doc. 9 at p. 10]. As such, Defendant Sergeant Cosby, as the only remaining Defendant in this action, now seeks dismissal.

the required ten-day window and thereby failed to exhaust his administrative remedies before filing his lawsuit in federal court. [Doc. 24 at p. 2 (quoting 42 U.S.C. § 1997e(a))]; *see also* [*Id.* at p. 4].

During the Court's initial review of the Recommendation on December 17, 2018, it noted that Plaintiff's initial pleadings indicated Augusta Medical Prison as his institution of incarceration. [Doc. 1-1]. However, a search on the Georgia Department of Corrections website showed Plaintiff's "most recent institution" as Coffee Correctional Facility, and the Court notified the Clerk of Court of a potential address change. *Ga. Dep't. of Corr.*, (Jan 16, 2019, 11:46 AM), <http://www.dcor.state.ga.us/GDC/Offender/Query>. Thereafter, the Clerk of Court verified the same and docketed a "Notice of Change of Address to Coffee Correctional Facility (per search of the GA DOC website)" and changed Plaintiff's address on the Court's electronic filing database, CM/ECF. Notice of Change of Address, *Ford v. Cosby, et al.*, No. 5:18-cv-00075-TES-TQL (M.D. Ga. Dec. 17, 2018). Given Plaintiff's change of address, and out of an abundance of caution to ensure Plaintiff's receipt of the Recommendation, the Clerk of Court sent a second copy of the Recommendation, this time to Coffee Correctional Facility. Clerk's Proof of Service, *Ford v. Cosby, et al.*, No. 5:18-cv-00075-TES-TQL (M.D. Ga. Dec. 17, 2018).

Thirty additional days having passed without either party filing a timely objection to the Recommendation, the Court **ADOPTS** the United States Magistrate Judge's

Recommendation [Doc. 24] and **MAKES IT THE ORDER OF THE COURT.**

Accordingly, the Court **GRANTS** Defendant's Motion to Dismiss [Doc. 19].

SO ORDERED, this 16th day of January, 2019.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT